

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Bot. 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,943	09/19/2003		Lin Ln Healy	42133-00009USC1	9758
24238	7590	02/10/2005		EXAMINER	
JENKENS	& GILC	HRIST	MULCAHY, PETER D		
1401 MCKII	NNEY				
SUITE 2600				ART UNIT	PAPER NUMBER
HOUSTON,	TX 77	010		1713	(
				DATE MAIL CD: 02/10/2005	₹

Please find below and/or attached an Office communication concerning this application or proceeding.

			U				
	Application No.	Applicant(s)					
	10/665,943	HEALY ET AL.					
Office Action Summary	Examiner	Art Unit					
	Peter D. Mulcahy	1713					
The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence addres	S				
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFr after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory pe - Failure to reply within the set or extended period for reply will, by st Any reply received by the Office later than three months after the m earned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a large reply within the statutory minimum of thir ricd will apply and will expire SIX (6) MON atute, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this community BANDONED (35 U.S.C. § 133).	nication.				
Status		•					
1) Responsive to communication(s) filed on 1	9 <u>September 2003</u> .						
2a) ☐ This action is FINAL. 2b) ☐ ☐	This action is non-final.						
3) Since this application is in condition for allo	wance except for formal mat	ters, prosecution as to the me	rits is				
closed in accordance with the practice und	er <i>Ex parte Quayl</i> e, 1935 C.E). 11, 453 O.G. 213.					
Disposition of Claims							
4)⊠ Claim(s) <u>28-50</u> is/are pending in the applica	ation.						
4a) Of the above claim(s) is/are with	drawn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.						
8) Claim(s) 28-50 are subject to restriction and	d/or election requirement.						
Application Papers							
9) ☐ The specification is objected to by the Exam	niner.						
10) The drawing(s) filed on is/are: a) ☐ :	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the cor	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the	Examiner. Note the attache	d Office Action or form PTO-1	52.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International But	ents have been received. ents have been received in A priority documents have been	application No	je				
* See the attached detailed Office action for a	list of the certified copies not	received.					
	•						
Attachment(s)							
1) Notice of References Cited (PTO-892)		Summary (PTO-413)					
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB. Paper No(s)/Mail Date 		s)/Mail Date nformal Patent Application (PTO-152) ·)				

Application/Control Number: 10/665,943

Art Unit: 1713

1. This application contains claims directed to the following patentably distinct species of the claimed invention: The species of compound and species of polymeric component.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, all generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 10/665,943

Art Unit: 1713

2. A telephone call was made to Mr. Abdon on 2/3/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/665,943

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter D Mulcahy Primary Examiner

Art Unit 17/13

2/8/05